

Application No. 09/994,088
Amendment dated November 26, 2007
Response to Office Action mailed May 25, 2007

REMARKS

Claims 1-59 are pending and cancelled herein. Claims 60-76 are added and are at issue herein.

Claims 1-3, 5-9, 11-19, 22, 23, 28-44, 47, and 54-57 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,855,251 to Deuer.

The rejection, as it may apply to the claims presented herein, is respectfully traversed.

Initially, applicants, by way of their undersigned attorney, wish to thank the Examiner for the courtesies extended during the telephonic interview of November 20, 2007, for this application. As discussed in the interview, it was agreed that new independent claims 60 and 74 (claim 75 in the proposed amendment) distinguish over the cited art of record.

More particularly, claim 60 is directed to an apparatus for tensioning and clamping an elongate member including a housing having a longitudinal axis and a throughbore extending longitudinally therethrough for receiving the elongate member therethrough. A clamping member is movably mounted to the housing for being shifted in a direction generally normal to the housing longitudinal axis. A cam lever cooperates with the clamping member and has a release position with the clamping member spaced from the elongate member and a clamp position with the clamping member engaged with the elongate member in the housing throughbore. Claim 60 further calls for an undulating surface of at least one of the housing and the clamping member having surface portions that extend transversely to the housing longitudinal axis and which engage the elongate member with the cam lever shifted to the clamp position so that the clamped elongate member has a substantially matching undulating configuration in engagement therewith. Claim 60 further requires a tensioning tool coupled to the housing for receiving the elongate member therein and applying tension thereto along the housing longitudinal axis, so that with the cam lever in the clamp position, the tension of the elongate member will be in a direction transverse to the undulating surface portions to permit normal clamping forces that are generated by shifting the clamping member normal to the housing longitudinal axis to be reduced when the cam lever is shifted from the release position

to the clamp position for clamping the elongate member in the housing throughbore. Deuer does not disclose or suggest a tensioning tool coupled to a housing, as required in claim 60.

More particularly, Deuer is directed to a security device for gripping a safety line to prevent a person from falling from an elevated scaffold or work platform. The security device is carried on the safety line and is adjusted to be connected to a lanyard tied to a worker so that if a worker falls the lanyard exerts a downward force on the security device causing it to clamp tightly onto the safety line. As is apparent, the safety device does not use or need a tensioning tool coupled thereto to apply tension to the safety line since the clamping force is exclusively generated by a falling worker. In this regard, Deuer do not teach applying tension to the safety line 24 extending through the safety device channel 22, and thus do not disclose or suggest the tensioning tool coupled to the housing as recited in claim 60. Accordingly, it is believed claim 60, and claims 61-69 which depend cognately therefrom, are allowable over the relied upon art.

Claim 74 is directed to a method of securing a cable to a bone including connecting the cable to a bone, inserting the cable into a clamping bore of a clamping tool to extend axially therethrough along an elongate axis extending through the clamping bore, coupling the tensioning tool to the clamping tool, and applying a tensioning force to the cable with the tensioning force applied axially along the axis of the clamping tool bore using the tensioning tool. Claim 74 further recites applying a clamping force to the cable in the clamping tool bore using the clamping tool, engaging the cable with clamping surface portions of the clamping tool extending transverse to the clamping tool bore axis as the clamping force is applied to the cable, bending the cable extending through the clamping tool bore with the clamping surface portions engaged therewith so that the axial tensioning force applied to the cable draws the bent portions thereof tightly against the transversely extending clamp surface portions, and removing the tensioning tool from the clamping tool. Deuer does not disclose or suggest the recited method of claim 74.

More particularly, the method of clamping a security device to a safety line taught by Deuer has a little relevance to the method of securing a cable to a bone set forth in claim 74. In this regard, it is clear that Deuer do not disclose or suggest connecting a cable to a bone, as

required in claim 74. Further, and as previously discussed, Deuer fail to disclose or suggest coupling a tensioning tool to the clamping tool and applying a tensioning force to the cable with the tensioning force applied axially along the axis of the clamping tool bore using the tensioning tool, as required in claim 74. As previously mentioned in this regard, Deuer has no need for applying tension to the safety line 24 and thus fails to contemplate or suggest the coupling of a tensioning tool to the safety device and the application of tensioning force to the safety line using such a tensioning tool, as required in claim 74. Accordingly, it is believed that claim 74, and claims 75 and 76 which depend therefrom, are allowable over the relied upon art.

Independent claims 70 and 72 are each directed to an apparatus for clamping an elongate member including a housing, a clamping member, and a pivotal cam lever pivotally mounted to the housing or clamp member and having a release position and different predetermined clamping positions. Deuer does not disclose or suggest a pivotal cam lever having different predetermined clamping positions, as required in claims 70 and 72.

The security device disclosed by Deuer does not have different predetermined clamping positions. Instead, the safety device taught by Deuer simply has a pair of pivotal cam members 50 and 52 which have a single clamping position in engagement with the safety line 24 when a downward force is applied to the ring portion 72 of the device via a workers lanyard connected thereto. Accordingly, for at least this reason, claims 70 and 72 are believed allowable over the relied upon art.

Claim 70 further requires two different pivot mounting locations of the pivotal cam lever that are spaced from each other and between which the lever can be selectively shifted by a user thereof to provide at least two different release positions and corresponding clamping positions for clamping different sizes of elongate members in the housing throughbore. As mentioned, the security device of Deuer does not have multiple clamping positions let alone the recited two different release positions, and thus clearly lacks at least two different pivot mounting locations of the pivotal cam lever between which the lever can be selectively shifted by a user to provide two different release positions and corresponding clamping positions for clamping different sizes of elongate members in the housing throughbore, as required in claim

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70. Accordingly, it is believed that claim 70, and claim 71 which depends therefrom, are allowable over the relied upon art.

In addition to requiring different predetermined clamping positions of the pivotal cam lever, claim 72 further requires a multifaceted cam surface of the pivotal cam lever that includes discrete facets that are operable to define the different predetermined clamping positions of the pivotal cam lever to generate a clamping force on the clamping member for clamping different sizes of elongate members in the throughbore. As mentioned, Deuer lacks different predetermined clamping positions, and thus also fails to disclose or suggest a pivot lever having a multifaceted cam surface with discrete facets operable as set forth in claim 72. Accordingly, it is believed that claim 72, and claim 73 which depends therefrom, are allowable over the relied upon art.

Based on the foregoing, consideration and allowance of claims 60-76 are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

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